

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

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CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, PR

JUAN CARLOS MORALES-GIRONA, ET AL.,

Plaintiffs

v.

PEDRO R. PIERLUISI-URRUTIA, former  
SECRETARY OF JUSTICE RIVERA; ET AL.,

Defendants

Civ. No. 97-2836 (PG)

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**OPINION & ORDER**

As part of its responsibility for managing its docket, this Court has revisited the file of this case and notes the following chronology of events:

1. *December 8, 1997*: The complaint is filed in this case. (Dkt. 1)
2. *April 8, 1998*: An amended complaint is filed. (Dkt. 2)
3. *May 27, 1998*: Motion by Jose A. Fuentes-Agostini and the Commonwealth of Puerto Rico to Dismiss pursuant to FED. R. CIV. P. 12 (b). (Dkt. 12)
4. *August 6, 1998*: Motion by Pedro R. Pierluisi-Urrutia, Jose B. Capo-Rivera, Pedro Geronimo Goyco-Amador, and Domingo Alvarez-Rosa to Dismiss. (Dkt. 18)
5. *October 30, 1998*: Motion by Luis Batiz to Dismiss. (Dkt. 25)
6. *December 31, 1998*: Motion b Luis Batiz to Dismiss the amended complaint. (Dkt. 27)
7. *January 13, 1999*: Response by Plaintiffs to Batiz' Motion to Dismiss. (Dkt. 28)
8. *July 3, 2000*: Opinion and Order and Partial Judgment granting Dockets 18, 25, and 27 (Motions to Dismiss). (Dkt. 35)
9. *August 4, 2000*: An order to show cause as to why the case should not be dismissed was entered as to why the case should not be dismissed as to the remaining defendants. (Dkt. 37)
10. *August 21, 2000*: Motion by Plaintiffs to extend time for 10 days to file response to order to show cause. (Dkt. 38)

**DISCUSSION**

Plaintiffs have failed to answer the Court's Order to Show Cause. Piece by piece, Plaintiffs case has been disappearing. The Court now puts this case to rest. Though almost three (3) weeks

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beyond the Court's deadline and over a week beyond Plaintiffs' requested extension, Plaintiffs still have not answered the Court's order, nor have they done anything to move their case forward. Plaintiffs have thus failed to prosecute their own case and failed to obey an order of this Court. *See* FED. R. CIV. P. 41(b).

It is the plaintiff's responsibility to develop and prosecute its own case. This Court has the responsibility "to achieve the orderly and expeditious disposition of cases," *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962). Therefore, pursuant to this "court['s] . . . unquestionable authority to dismiss a case with prejudice for want of prosecution in order to prevent undue delay in the disposition of pending cases, docket congestion and the possibility of harassment of defendant," *Jardines Ltd. Partnership v. Executive Homeseach Realty Serv. Inc.*, 178 F.R.D. 365 (D.P.R. 1998); *see also* *Zavala-Santiago v. González-Rivera*, 553 F.2d 710 (1<sup>st</sup> Cir. 1977), the Court **DISMISSES** the case **WITH PREJUDICE**. This Court's docket is congested enough and there is no place for plaintiffs who sit back and waste the Court's valuable time.

**WHEREFORE**, the above captioned case is hereby **DISMISSED with prejudice** due to Plaintiffs' lack of prosecution and failure to comply with the Court's Order dated August 4, 2000 (Dkt. 37).

**IT IS SO ORDERED.**

San Juan, Puerto Rico, September 8, 2000.

  
 JUAN M. PEREZ-GIMENEZ  
 U. S. District Judge